

## Message Text

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ACTION NEA-11

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
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TO SECSTATE WASHDC 453  
INFO AMEMBASSY LONDON  
AMEMBASSY NEW DELHI  
AMCONSUL MADRAS

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E.O. 11652: N/A  
TAGS: PINT, CE

SUBJ: GOVERNMENT EFFORTS TO STEM LIBERATION TIGER MOVEMENT

REF: COLOMBO 2210

1. SUMMARY: THE NATIONAL STATE ASSEMBLY (NSA) ON MAY 18 AND 19 PASSED TWO BILLS GIVING THE GOVERNMENT INCREASED POWERS TO DEAL WITH THE LIBERATION TIGER THREAT AND THE ESCALATING CRIME RATE. PATROLS AND SEARCHES CONTINUED IN THE NORTHERN AND EASTERN PROVINCES. ON MAY 23, TWENTY-TWO SUSPECTED TERRORISTS SURRENDERED THROUGH A TAMIL MEMBER OF PARLIAMENT IN JAFFNA. END SUMMARY.

2. BLAMING THE RISING CRIME RATE AND THE GROWING TERRORIST THREAT FROM THE LIBERATION TIGERS ON THE LENIENCY OF PRESENT LAWS, THE GOVERNMENT RAMMED THROUGH TWO BILLS IN THE NSA, ONE CURTAILING COURT POWERS TO SUSPEND SENTENCE AND GRANT BAIL, THE OTHER PROSCRIBING THE LIBERATION TIGER MOVEMENT AND SIMILAR  
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ORGANIZATIONS.

3. THE CRIMINAL PROCEDURE (SPECIAL PROVISION) LAW  
THIS LAW AMENDS THE CRIMINAL PROCEDURE CODE, LIMITING THE COURT'S POWERS TO GRANT BAIL OR SUSPEND SENTENCES IN CASES OF GRAVE CRIMES. GRAVE CRIMES ARE DEFINED AS WAGING WAR AGAINST THE STATE, UNLAWFULLY INCITING OR ATTEMPTING TO INCITE DIS-

AFFECTION FROM THE GOVERNMENT, IMPORTING AND MANUFACTURING OF FIREARMS, MURDER, AND ARMED ROBBERY. MAGISTRATES' COURTS ARE BOUND TO REFUSE BAIL TO THOSE ACCUSED OF SUCH CRIMES UNTIL THE CONCLUSION OF TRIAL AND APPEAL. HOWEVER, THE SUPREME COURT MAY ORDER THE RELEASE OF ANY PERSON ON BAIL. IN DEBATE, THE GOVERNMENT POINTED TO RISING CRIME RATE AND TO REPEAT OFFENDERS WHO HAD BEEN RELEASED ON BAIL OR GIVEN SUSPENDED SENTENCES.

4. THE SRI LANKA FREEDOM PARTY (SLFP) AND THE TAMIL UNITED LIBERATION FRONT (TULF) ARGUED THAT GOVERNMENT IS ASSUMING POWERS TO CURB RIGHTS, PRIVILEGES, AND LIBERTIES OF PEOPLE AND THAT UNDER GUISE OF LAW, GOVERNMENT COULD TAKE REVENGE ON POLITICAL OPPONENTS. AT TULF SUGGESTION BILL WAS AMENDED TO MAKE LAW OPERATIVE FOR ONE YEAR, AT WHICH TIME IT CAN BE REMOVED FROM THE STATUTE BOOK IF THE SITUATION WARRANTS. THE SLFP AND TULF VOTED AGAINST THE BILL BUT PASSAGE WAS NEVER IN DOUBT GIVEN THE GOVERNMENT PARTY'S HUGE MAJORITY, 142 OF THE 168 NSA SEATS.

5. LAW PROSCRIBING THE LIBERATION TIGERS OF TAMIL EELAM AND OTHER SIMILAR ORGANIZATIONS  
THIS LAW PROSCRIBES THE NEW CLANDESTINE MOVEMENT, THE LIBERATION TIGERS OF EELAM, WHICH ALLEGEDLY CLAIMED RESPONSIBILITY FOR TEN POLITICAL ASSASSINATIONS DURING PAST THREE YEARS. MEMBERSHIP, WEARING OF UNIFORMS, ENROLLING MEMBERS, COLLECTING FUNDS, SUMMONING OF AND PARTICIPATION IN MEETINGS, LIMITED OFFICIAL USE

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COMMUNICATING DECISIONS AND VIEWS, HARBORING, CONCEALING OR ASSISTING PROSCRIBED ORGANIZATIONS ARE OFFENSES PUNISHABLE BY IMPRISONMENT OF UP TO SEVEN YEARS. MONEY AND PROPERTY SUSPECTED OF BEING USED BY A PROSCRIBED MOVEMENT OR PERSONS INVOLVED IN SUCH MOVEMENTS WILL BE FORFEITED TO THE STATE. LAW ALSO GIVES GOVERNMENT AUTHORITY TO PROHIBIT PUBLICATION IN ANY NEWSPAPER ANY MATTER RELATING TO PROSCRIBED MOVEMENTS WITHOUT APPROVAL OF THE COMPETENT AUTHORITY.

6. BOTH THE SLFP AND TULF OPPOSED THE BILL, ARGUING THAT THE GOVERNMENT IS ASSUMING EXCESSIVE POWERS GREATER THAN THOSE ENJOYED UNDER ABOLISHED CRIMINAL JUSTICE COMMISSION LWG AND UNDER EMERGENCY POWERS. OPPOSITION CONTENTED THAT INCLUSION OF SIMILAR ORGANIZATIONS IN BILL OPENS POSSIBILITY OF GOVERNMENT PROSCRIBING MOVEMENTS OPPOSED TO IT, SUCH AS POLITICAL OR TRADE UNION ORGANIZATIONS. OPPOSITION VOTED SOLIDLY AGAINST THE BILL, BUT IT WAS PASSED BY A MAJORITY OF 106. HOWEVER, IT WAS ALSO AMENDED TO LIMIT IT TO ONE YEAR ON THE BOOKS.

7. OTHER GOVERNMENT ACTIONS  
GOVERNMENT CONTINUED PATROLLING AND SEARCHING OPERATIONS IN NORTHERN AND EASTERN PROVINCES. IT ALSO POSTED LARGE REWARDS

FOR INFORMATION LEADING TO CAPTURE OF 38 PERSONS SUSPECTED OF BEING LIBERATION TIGERS. THIRTY-TWO OF THEM ARE NOW IN CUSTODY. OF THAT NUMBER, 22 GAVE THEMSELVES UP VOLUNTARILY TO A TAMIL MP IN THE NORTH.

8. COMMENT

SINHALESE EDUCATORS AND SUPPORTERS OF GOVERNMENT BELIEVE THAT GOVERNMENT MUST ACT RAPIDLY AND FIRMLY TO ENSURE LAW AND ORDER. IF SITUATION WERE TO GET OUT OF HAND, IT WOULD HAVE NEGATIVE EFFECT ON GOVERNMENT'S EFFORT TO PROMOTE FOREIGN INVESTMENT AND ECONOMIC DEVELOPMENT AND HURT THE COUNTRY. THE TAMIL OPPOSITION AND SOME JOURNALISTS ARGUE THAT THE GOVERNMENT AND MEDIA ARE OVER-REACTING. WHILE ACKNOWLEDGING THE PROBABLY EXISTENCE OF A TERRORIST ORGANIZATION, THEY CLAIM THAT IT IS LIMITED OFFICIAL USE

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INSIGNIFICANT AND COULD BE CURBED THROUGH MORE EFFECTIVE POLICE INVESTIGATIONS AND ACTIONS. THE ALLEGED THREAT HAS BEEN BLOWN UP OUT OF PROPORTION.

9. WE HAVE LITTLE HARD INFORMATION ON THE LIBERATION TIGER MOVEMENT, BUT BELIEVE THAT IT IS SMALL, PROBABLY FEWER THAN 100. NEVERTHELESS, IT HAS PRECIPITATED A GREATLY INCREASED GOVERNMENT PRESENCE IN TAMIL AREAS AND LAWS WITH POTENTIAL FOR BEING MISUSED. GIVEN THE GENERAL INEPTNESS OF THE POLICE, AS LONG AS THEY ARE SATURATING THE TAMIL AREAS, THE POSSIBILITY OF INCIDENTS CANNOT BE RULED OUT. HOWEVER, EMBASSY PERSONNEL WHO VISITED JAFFNA AND UP-COUNTRY TAMIL TEA ESTATE AREAS OVER WEEKEND REPORTED SITUATION CALM, ALTHOUGH PATROLLING VIGOROUS IN JAFFNA.  
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## Message Attributes

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